

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALBERT ALLEN POWELL,

Petitioner,

vs.

CASE NO. 05-70205
HON. LAWRENCE P. ZATKOFF
MAGISTRATE JUDGE PAUL KOMIVES

MARY BERGUIS,

Respondent.

**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner filed a Petition for Writ of Habeas on January 20, 2005. On July 25, 2005, Respondent filed a Motion for Summary Judgment. This matter is currently before the Court on Magistrate Judge Komive's Report and Recommendation of January 5, 2006, in which the Magistrate Judge recommends that the Motion should be granted. Petitioner did not file objections to the Report and Recommendation.

The Court has undertaken a thorough review of the court file and the Report and Recommendation. As a result of that review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Therefore, IT IS HEREBY ORDERED that Respondent's Motion for Summary Judgment

is GRANTED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 24, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 24, 2006.

s/Marie E. Verlinde

Case Manager
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